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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/810,354
Filing Date	March 26, 2004
First Named Inventor	Andrew T. Beckman
Art Unit	3737
Examiner Name	
Attorney Docket Number	END5095.0515520

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Form PTO 1449 (1 Page); Copy of International Search Report (3 Pages); Cited References (3); Return Postcard.
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Frost Brown Todd LLC	
Signature		
Printed name	Stephen R. Albalay-Jenel	
Date	10/10/05	Reg. No. 41,487

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature		
Typed or printed name	Linda E. Spore	Date 10/18/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT TRADEMARK OFFICE  
Attorney Docket: END5095.0515520

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Beckman et al. : Paper No:  
Serial No. 10/810,354 : Group Art Unit: 3737  
Filed: March 26, 2004 : Examiner:  
For: APPARATUS AND METHOD FOR MARKING TISSUE

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 35 U.S.C. § 1.97(e)(1)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, Applicants herewith submit certain patent references, which the Patent and Trademark Office may wish to consider in examining the above-identified application. The references are listed below, and are also listed on the attached Form PTO-1449.

**U.S. Patent References:**

<u>References</u>	<u>Issue Date</u>	<u>Inventor</u>
US 6,395,965 B1	05-28-2002	Xia

**Foreign Patent References:**

<u>References</u>	<u>Publication Date</u>	<u>Inventor</u>
WO 2003/089012 A3	10-30-2003	Burbank et al.
WO 01/00101 A1	01-04-2001	Burbank et al.
WO 01/13800 A1	03-01-2001	Ashby et al.

**Certification**

Certain items of information included herewith were cited in the International Search Report in the related PCT application. A copy of the International Search Report is included for the Examiner's convenience.

To the knowledge of the undersigned attorney, each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

Copies of the listed references are provided. No representation is made or intended that a prior art search has been made or that no better art than the listed is available. It is respectfully requested that the information be considered by the Examiner and made of record in the present application.

Applicants believe that no fee is required as a result of this communication. The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC's Deposit Account No. 06-2226.

Respectfully submitted,

ANDREW T. BECKMAN, et al.



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Serial No. 10/810,354



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Linda E. Spore

